

111TH CONGRESS
1ST SESSION

H. R. 2919

To amend part B of title XVIII of the Social Security Act to provide
Medicare physician incentive payments for efficient areas.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2009

Mr. BLUMENAUER introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend part B of title XVIII of the Social Security Act to provide Medicare physician incentive payments for efficient areas.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare Efficiency
5 Incentive Act of 2009”.

1 **SEC. 2. PAYMENTS FOR EFFICIENT PHYSICIANS.**

2 Section 1833 of the Social Security Act (42 U.S.C.
3 1395l) is amended by adding at the end the following new
4 subsection:

5 “(x) INCENTIVE PAYMENTS FOR EFFICIENT PHYSI-
6 CIANS.—

7 “(1) IN GENERAL.—In the case of physicians’
8 services furnished on or after January 1, 2010, and
9 before January 1, 2014, by a participating physician
10 in an efficient area (as identified under paragraph
11 (2)), in addition to the amount of payment that
12 would otherwise be made for such services under this
13 part, there also shall be paid an amount equal to 5
14 percent of the payment amount for the services
15 under this part.

16 “(2) IDENTIFICATION OF EFFICIENT AREAS.—

17 “(A) IN GENERAL.—Based upon available
18 data, the Secretary shall identify those counties
19 or equivalent areas in the United States in the
20 lowest fifth percentile of utilization based on
21 per capita spending for services provided in
22 2007 under this part and part A.

23 “(B) IDENTIFICATION OF COUNTIES
24 WHERE SERVICE IS FURNISHED.—For purposes
25 of paying the additional amount specified in
26 paragraph (1), if the Secretary uses the 5-digit

1 postal ZIP Code where the service is furnished,
2 the dominant county of the postal ZIP Code (as
3 determined by the United States Postal Service,
4 or otherwise) shall be used to determine wheth-
5 er the postal ZIP Code is in a county described
6 in subparagraph (A).

7 “(C) JUDICIAL REVIEW.—There shall be
8 no administrative or judicial review under sec-
9 tion 1869, 1878, or otherwise, respecting—

10 “(i) the identification of a county or
11 other area under subparagraph (A); or

12 “(ii) the assignment of a postal ZIP
13 Code to a county or other area under sub-
14 paragraph (B).

15 “(D) PUBLICATION OF LIST OF COUNTIES;
16 POSTING ON WEBSITE.—With respect to a year
17 for which a county or area is identified under
18 this paragraph, the Secretary shall identify
19 such counties or areas as part of the proposed
20 and final rule to implement the physician fee
21 schedule under section 1848 for the applicable
22 year. The Secretary shall post the list of coun-
23 ties identified under this paragraph on the

- 1 Internet website of the Centers for Medicare &
- 2 Medicaid Services.”.

